



AP Ifw

Docket No: K-0039

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 5887

Byung Keun LIM

Group Art Unit: 2662

Serial No.: 09/189,793

Examiner: Ahmed Elallam

Filed: 11/12/1998

Customer No.: 34610

For: METHOD AND APPARATUS FOR CODE DIVISION DUPLEXING

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Appeal Brief-Patents  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

Sir:

This paper is being filed in response to the Notice of Non-Compliant Appeal Brief dated November 3, 2006 (hereafter the Notice). The Notice states that the Appeal Brief filed July 5, 2006 was defective because the appellant did not address the dependent claims in the Summary of the Claimed Subject Matter section.

Applicant's undersigned attorney conducted several telephone conferences with Examiner Elallam in order to discuss the basis for the Notice. Applicant stated that 37 C.F.R. §41 does not require that applicant address dependent claims in the Summary of the Claimed Subject Matter section (if the dependent claims are not in means-plus-function format). After conferring with his Supervisory Examiner, Examiner Elallam informed

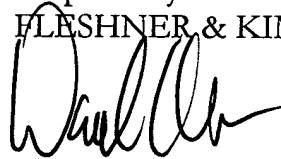
applicant that dependent claims do not need to be discussed in the Summary of the Claimed Subject Matter section if the dependent claims are not in means-plus-function format.

Examiner Elallam indicated that the Notice was improper. Applicant and Examiner Elallam indicated that applicant would file this response in order to overcome the outstanding Notice. No further documentation is necessary by the applicant at this time.

Should the Examiner have any questions regarding the above-identified application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



David C. Oren  
Registration No. 38,694

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
703 766-3701 DCO/kah  
**Date: November 30, 2006**